

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0516-01  
Bill No.: HB 183  
Subject: Crimes and Punishment; Law Enforcement Officers and Agencies; Liability;  
Prisons and Jails  
Type: Original  
Date: January 22, 2001

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
General Revenue Fund	(Unknown)	(Unknown)	(Unknown)
<b>Total Estimated Net Effect on <u>All</u> State Funds*</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

\*Could exceed \$100,000 in any given fiscal year.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 4 pages.

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## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials from the **Office of State Courts Administrator** and **Office of the State Public Defender** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of the Attorney General** assume the costs of the proposed legislation are indeterminable.

Officials from the **Office of Administration (COA)** assume the proposed legislation could result in a possible cost to the State Legal Expense Fund appropriated to COA. The amount of the possible cost is unknown.

**Oversight** assumes funds would be specifically appropriated for the damages and attorneys fees related to the type of suits permitted by this proposal and therefore would not be paid from the State Legal Expense Fund.

Officials from the **Office of Prosecution Services (OPS)** assume the costs of the proposed legislation are unknown but would easily exceed \$100,000. OPS assumes this cost to be to county funds for the following reasons: while the proposed legislation states that provisions providing damages and attorney fees shall be made through appropriations provided by the legislature, this provision is subject to the legislature appropriating such money. Otherwise, it must be assumed that costs of defending such suits and damage awards and attorneys fees would be assumed by local prosecutors and counties. OPS also assumes that a substantial number of suits would be filed statewide.

In response to an identical bill from the 2000 session (HB 1276), officials from the **Office of the Boone County Prosecuting Attorney** assumed the proposed legislation could pose an adverse fiscal impact to their office; however, it was difficult to arrive at a dollar amount. They expected the costs to easily exceed \$100,000 annually.

In response to an identical bill from the 2000 session (HB 1276) officials from the **Office of the Greene County Prosecuting Attorney** assumed the proposed legislation would increase the number of lawsuits against prosecutors and result in an increase in the amount currently spent by the Greene County Commission to defend prosecutors. Preliminary estimates of insurance premiums to provide coverage for these types of lawsuits were \$75,000 for the first year and \$38,000 for subsequent years.

ASSUMPTION (continued)

**Oversight** assumed funds would be specifically appropriated for the damages and attorneys fees related to the type of suits permitted by this proposal and therefore would not be the responsibility of the local prosecutors.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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**GENERAL REVENUE FUND**

<u>Costs</u> - Reimbursement to Prosecutors	(Unknown)	(Unknown)	(Unknown)
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<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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	\$0	\$0	\$0
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation allows persons who are convicted and imprisoned for a crime that they did not commit to file an action against the state of Missouri. The claimants must establish by clear and convincing evidence that they were convicted, served at least part of a prison term for the conviction, did not commit the crime, did not bring about the conviction by their conduct, and were released by the state. Claimants must bring an action within 2 years of being released from prison or within 2 years of the bill's effective date if they have been released within 5 years prior to the bill's effective date. Claimants may be awarded attorneys' fees and damages which do not exceed the greater of twice the amount of the claimant's income in the year prior to his incarceration or \$20,000 for each year of incarceration. Persons who were mistakenly convicted and serving a concurrent sentence for another crime are not eligible for damages under the proposed legislation.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator  
Office of the State Public Defender  
Office of Administration  
Office of Prosecution Services  
Office of Attorney General  
Office of the Boone County Prosecuting Attorney  
Office of the Greene County Prosecuting Attorney

**NOT RESPONDING: St. Louis County Prosecuting Attorney**

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive "Jarrett".

Jeanne Jarrett, CPA  
Director

January 22, 2001